

# Clarke County

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Planning Commission  
**Regular Meeting Minutes**  
January 10, 2014



A regular meeting of the Planning Commission of Clarke County, Virginia, was held at the Berryville/Clarke County Government Center, Berryville, Virginia, on Friday, January 10, 2014. The meeting was held at 1:00 p.m. due to a weather delay.

## **ATTENDANCE**

George L. Ohrstrom, II, Chair; Anne Caldwell, Vice Chair; Clay Brumback, Robina Bouffault, Scott Kreider, Doug Kruhm, Cliff Nelson, Chip Steinmetz and Jon Turkel.

**ABSENT:** Tom McFillen and John Staelin

## **STAFF**

Brandon Stidham, Planning Director; Jesse Russell, Zoning Administrator; and Debbie Bean, Recording Secretary.

## **CALLED TO ORDER**

Brandon Stidham, as Clerk to the Commission, called the meeting to order at 1:00 p.m. as it was the first Commission meeting of the calendar year when election of officers is conducted.

Commissioner Brumback reported to the Planning Commission that he is stepping down as a Planning Commissioner effective immediately. He stated that he has enjoyed his time on the Commission and he believes he has a good replacement willing to take his place. He said he hopes to still stay involved with matters concerning the County.

Chair Ohrstrom thanked Commissioner Brumback for his time on the Commission and said that he will be missed.

Mr. Brumback left the meeting at 1:05 p.m.

## **ELECTION OF CHAIR AND VICE CHAIR**

Mr. Stidham asked for nominations of Chair to the Commission.

The Commission voted unanimously to elect Commissioner George L. Ohrstrom, II, as Chair to the Planning Commission for 2014.

**Yes:** Bouffault, Caldwell (moved), Kreider, Kruhm, Nelson, Ohrstrom, Steinmetz (seconded), and Turkel

**No:** No one

**Absent:** Brumback, McFillen and Staelin

Mr. Stidham turned the meeting over to Chair-Elect Ohrstrom.

Chair Ohrstrom asked for nominations of Vice Chair to the Commission.

The Commission voted unanimously to elect Commissioner Caldwell as Vice Chair to the Planning Commission for 2014.

**Yes:** Bouffault (seconded), Caldwell, Kreider, Kruhm, Nelson, Ohrstrom, Steinmetz, and Turkel (moved)

**No:** No one

**Absent:** Brumback, McFillen and Staelin

#### **COMMITTEE ASSIGNMENTS FOR 2014**

The Commission voted to approve the 2014 committee assignments as presented.

**Yes:** Bouffault, Caldwell, Kreider, Kruhm (seconded), Nelson, Ohrstrom, Steinmetz (moved), and Turkel

**No:** No one

**Absent:** Brumback, McFillen and Staelin

#### **2014 MEETING SCHEDULE**

The Commission voted to approve the meeting schedule for 2014 as presented.

**Yes:** Bouffault, Caldwell (moved), Kreider, Kruhm, Nelson, Ohrstrom, Steinmetz, and Turkel (seconded)

**No:** No one

**Absent:** Brumback, McFillen and Staelin

#### **2014 By-Laws**

The Commission voted to approve the By-Laws for 2014 as presented.

**Yes:** Bouffault (seconded), Caldwell, Kreider, Kruhm, Nelson (moved), Ohrstrom, Steinmetz, and Turkel

**No:** No one

**Absent:** Brumback, McFillen and Staelin

#### **2014 Project Priorities**

The Commission voted to approve the Project Priorities for 2014 as presented.

**Yes:** Bouffault, Caldwell, Kreider, Kruhm, Nelson (seconded), Ohrstrom, Steinmetz, and Turkel (moved)

**No:** No one

**Absent:** Brumback, McFillen and Staelin

Commissioner Bouffault asked Chair Ohrstrom if they could have a discussion on the Runyon property under Other Business on the Agenda.

#### **APPROVAL OF AGENDA**

The Commission voted unanimously to approve the agenda with the addition of discussion of the Runyon property under Other Business.

**Yes:** Bouffault (moved), Caldwell, Kreider, Kruhm (seconded), Nelson Ohrstrom, Steinmetz, and Turkel

**No:** No one

**Absent:** Brumback, McFillen and Staelin

#### **APPROVAL OF MINUTES**

The Commission voted to approve the regular meeting minutes of November 1, 2013 with minor corrections.

**Yes:** Bouffault (seconded), Caldwell (moved), Kreider, Kruhm, Nelson, Ohrstrom, Steinmetz and Turkel

**No:** No one

**Absent:** Brumback, McFillen and Staelin

The Commission voted to approve the briefing meeting minutes of December 3, 2013.

**Yes:** Bouffault (moved), Caldwell, Kreider, Kruhm, Nelson (seconded), Ohrstrom, Steinmetz and Turkel

**No:** No one

**Absent:** Brumback, McFillen and Staelin

The Commission voted to approve the regular meeting minutes of December 6, 2013 with minor corrections.

**Yes:** Bouffault, Caldwell (moved), Kreider, Kruhm, Nelson (seconded), Ohrstrom, Steinmetz and Turkel (seconded)

**No:** No one

**Absent:** Brumback, McFillen and Staelin

### **SPECIAL USE PERMIT REVOCATION REQUEST – SET PUBLIC HEARING**

**Shenandoah University requests the revocation of a special use permit (SUP) per §5-C of the Zoning Ordinance. The SUP was issued by the Board of Supervisors in 1989 to operate the former Virginia National Golf Course which has since been discontinued. The subject properties are identified as Tax Map #17A1-A1-B and 17A1-A1-C, are located on Parker Lane in the Buckmarsh Election District, and are zoned Rural Residential (RR).**

Mr. Stidham stated that Shenandoah University is requesting that the former Special Use Permit for the former Virginia National Golf Course be revoked. He stated that Shenandoah University is the recipient of a gift of property from the National Civil War Battlefield Trust. He said that under an agreement between the Trust and the Shenandoah University the property cannot be used for commercial purposes including golf courses. He stated that Shenandoah University has no plans to continue the golf course operation. He said that since the property can no longer be used as a golf course and must remain as a preserved battlefield (Battle of Cool Spring) along with limited educational uses under the terms of the aforementioned agreement, the Special Use Permit would no longer apply to the current owners and it would not be appropriate for the County to continue honoring the Special Use Permit. He stated that the Board of Supervisors has the authority to revoke any Special Use Permit where the use has been discontinued for one year or more. He said that the procedure for revoking is the same as the procedure for approval of a new Special Use Permit. After discussion with Staff and the Commission, Chair Ohrstrom called for a motion.

The Commission voted to set public hearing on this request for the next regular meeting of the Commission on February 7, 2014.

**Yes:** Bouffault, Caldwell, Kreider, Kruhm, Nelson, Ohrstrom, Steinmetz (seconded) and Turkel (moved)

**No:** No one

**Absent:** Brumback, McFillen and Staelin

### **SITE PLAN REVIEW – SET PUBLIC HEARING**

**SP-13-11, Robert Claytor (Dollar General). Request approval of a Site Plan to construct a new 9,100 square foot retail store (Dollar General) for the property identified as Tax Map #28-A- 20G.**

Mr. Russell explained this request. He said that the applicant is proposing a 9,100 sq. ft. retail store to be leased to Dollar General. He stated that Josh Turner with Anderson & Associates, Inc., the County's engineer, is reviewing the site plan and he should have his comments submitted to the Planning

Department before the February 7, 2014 Planning Commission meeting. He said that Jeremy Tweedie with Greenway Engineering and acting agent for the Dollar General Store was present and able to answer questions from the Commission. Mr. Russell stated that the applicant has provided signage renderings but will need to revise the site plan to show the county's maximum height and signage area for both freestanding signs and wall signage. He stated that hopefully Mr. Tweedie will submit the revised site plan before the briefing meeting on February 4, 2014 for the Planning Commission to review. Commissioner Bouffault questioned the design of Handy Lane. Mr. Tweedie stated that the design is what VDOT approved. After discussion with Staff and the Commission, Chair Ohrstrom called for a motion.

There being no further comments, Chair Ohrstrom called for a motion.

The Commission voted unanimously to set public hearing on this request for the next regular meeting of the Planning Commission on February 7, 2014.

**Yes:** Bouffault, Caldwell (moved), Kreider, Kruhm, Nelson, Ohrstrom, Steinmetz (seconded) and Turkel

**No:** No one

**Absent:** Brumback, McFillen and Staelin

#### **ZONING ORDINANCE TEXT AMENDMENT – SET PUBLIC HEARING**

**TA-14-01, Revocation of Special Use Permits. Proposed text amendment to amend §5-C, Revocation, of the Clarke County Zoning Ordinance. This section provides for the procedure and grounds for revocation of a special use permit (SUP). The purpose of the text amendment is to require an SUP to be presented to the Board of Supervisors for revocation upon issuance of a third Notice of Violation by the zoning administrator for violations of any one or more SUP conditions. The text amendment would also add a new subsection 4 allowing revocation in the case of violations of other provisions of the Zoning Ordinance not addressed by the SUP conditions, the Code of Clarke County, or State and Federal law related to the activities of the special use.**

Mr. Stidham explained this proposed amendment. He stated that this proposed text amendment is being forwarded to the Planning Commission at the request of the Board of Supervisors. He stated that this section of the proposed text amendment provides for the procedures and grounds for revocation of a Special Use Permit (SUP). He said in this section of the Zoning Ordinance it outlines the process for revocation of a Special Use Permit including the circumstances under which an SUP may be revoked. After discussion with Staff and the Commission, Chair Ohrstrom called for a motion.

The Planning Commission voted unanimously to set public hearing on this proposed text amendment for the next regular meeting of the Planning Commission on February 7, 2014.

**Yes:** Bouffault, Caldwell (moved), Kreider, Kruhm, Nelson, Ohrstrom, Steinmetz (seconded) and Turkel

**No:** No one

**Absent:** Brumback, McFillen and Staelin

#### **Board/Committee Reports**

##### **Board of Supervisors (John Staelin)**

Mr. Stidham stated that the Board should be setting the public hearing on the Comprehensive Plan and the Transportation Plan at their meeting on January 21, 2014. He said that the Board is also scheduled to have

the public hearing on Happy Tails Development on January 21, 2014.

**Sanitary Authority (John Staelin)**

No report.

**Board of Septic & Well Appeals (John Staelin)**

No report.

**Board of Zoning Appeals (Anne Caldwell)**

Mr. Russell stated that an alternate will be appointed to the Board of Zoning Appeals so there is always someone to fill in when there are absences.

**Historic Preservation Commission (Doug Kruhm)**

Commissioner Kruhm stated that the next meeting for the HPC is scheduled for January 22, 2014 at 4:00 p.m. He said that Betsy Fields will preside as the Chair at this meeting replacing Tom Gilpin.

**Conservation Easement Authority (George Ohrstrom, II)**

Chair Ohrstrom stated that the CEA meetings have been changed to the third Thursday of every month at 10:00 a.m.

**Other Business**


Runyon Site Plan – Commissioner Bouffault distributed a document she had prepared on the Runyon property from information provided to her by Mr. Stidham. She said that she listed the lots and acreage per lot. She included in the documents an enlarged photocopy of the front of the Site Plan which shows some maneuvers between lots and also that there have been two dwelling unit rights transferred. She said that nothing has been recorded on this since 2008. She asked why this was not filed as a major subdivision and questioned as to whether this is legal or not. She said she would like a formal legal opinion from Bob Mitchell, County Attorney regarding this matter. Mr. Stidham stated that it is within his authority to ask Mr. Mitchell to review this matter. He said that it appears that the Policy Committee will be discussing this matter on January 28, 2014. He said he will try to have Mr. Mitchell to review this matter before that time.

Mr. Stidham stated that the Site Plan Committee meeting is scheduled for January 16, 2014 at 3:00 p.m. in the A/B meeting room. He said that the Policy Committee meeting is scheduled for January 28, 2014 at 3:00 p.m. in the A/B meeting room

There being no further business to come before the Planning Commission the meeting was adjourned at 1:50 p.m.



George L. Ohrstrom, II, Chair



Brandon Stidham, Director of Planning

Minutes prepared by Debbie Bean, Recording Secretary